FRUITS OF INVESTIGATION

THE OMBUDSMAN'S RECOMMENDATIONS

6.1 The Ombudsman Ordinance empowers The Ombudsman, after an investigation, to report findings, to give opinions with reasons and to make recommendations. My recommendations fall broadly into two categories, namely :

(a) Redress of grievances —

to right specific wrongs, including remedial measures and issue of apologies;

(b) Administrative improvement —

to improve the administration of an organisation in general or in specific areas, including changes to procedures and practices to remove administrative errors, loopholes or deficiencies.

While I respect the relevant authorities for formulation of policies, I do from time to time comment on policies: to help focus on possibly outdated aspects or to generate public debate.

6.2 A substantial number of complaints is directed against the actions or attitude of individual officers. With the objective of enhancing the quality of public administration, our investigations are generally geared to rehabilitative, preventive rather than punitive results. Accordingly, we rarely propose disciplinary action against individual officers as we believe this is a matter for the heads of the organisations. In short, we seek to improve rather than to disapprove, to comment constructively and not just to carp critically.

6.3 If an investigation report is, in my opinion, not adequately acted upon by the head of the organisation concerned, The Ombudsman Ordinance provides that I may submit my report and recommendations together with any further observations to the Chief Executive. I may also make a further report to the Chief Executive if I consider a serious irregularity or injustice to have taken place and a copy of such further report shall be laid before the Legislative Council. During the year, I have made one report to the Chief Executive (see **para. 4.16**).

THE GOVERNMENT MINUTE ON IMPLEMENTATION

6.4 Since 1995, the Administration has been submitting a Government Minute to the Legislative Council within three months after the tabling of The Ombudsman's Annual Report. This summarises the follow-up actions taken by Government departments and statutory organisations to implement The Ombudsman's recommendations. It is a measure of the seriousness with which the Administration views the role of The Ombudsman in promoting open and fair, responsive and responsible government.

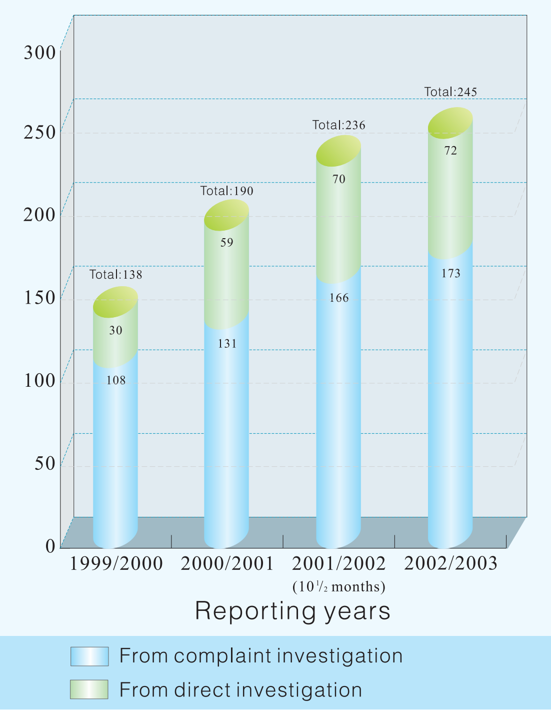
ENHANCEMENT OF QUALITY ADMINISTRATION

6.5 Properly conducted investigations and carefully considered recommendations are key to our work processes. An important indicator of our achievement is the number of recommendations for improvement made by me and adopted for implementation by the organisations. In the 2002/03 reporting

year, my Office completed full investigation[3] of 124 cases and six direct investigations, with a total of 173 and 72 recommendations respectively. Over 95% of the recommendations have been accepted by the organisations concerned. Each recommendation, when implemented, results in an improvement to public administration. It is note-worthy that oftentimes, organisations would conduct its own internal audit and even introduce improvement measures in the course of our investigation. We appreciate the "head start" by the organisations and see ourselves as carrying considerable catalytic influence. In this light, we must pay tribute to complainants for bringing their case forward and thus contributing to the improvement of public services.

3 As opposed to alternative dispute resolution: INCH (176 cases), RAC (1,996 cases) and mediation (6 cases) with a total of 134 suggestions (see **Chapter 4**).

Fig. 6.1 **Number of recommendations**



ACKNOWLEDGEMENT OF OUR SERVICES

6.6 From time to time, we receive letters of appreciation from complainants and organisations, e.g. on the thoroughness and

Fig. 6.2 **Extracts from letters of appreciation**

impartiality of our investigations. We value such acknowledgement as encouragement for our further improvement. We also welcome any constructive comment on our services.

Positive Complaint Culture

6.7 Unquestionably, complaints originate from grievance or dissatisfaction but this does not render complaints necessarily a negative product. A complaint made in good faith is due exercise of a citizen's rights. A valid complaint enables Government to re-visit policies, procedures and practices with The Ombudsman as referee. Complaints are opportunities to review and revamp, redress and reform. Public administration could and should evolve, develop and improve.

6.8 Over the years, we have been promoting a positive complaint culture with both the public and the organisations in Schedule 1 to the Ordinance. Our activities for public awareness and education are described in **Chapter 7**.